

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q77527

Dong-shin JUNG, et al.

Appln. No.: 10/748,167

Group Art Unit: 2175

Confirmation No.: 6951

Examiner: Stephen D. Alvesteffer

Filed: December 31, 2003

For: APPARATUS, SYSTEM AND METHOD FOR PROVIDING INFORMATION ON
OBJECTS INCLUDED IN CONTENT

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits
this Reply Brief in response to the Examiner's Answer dated September 5, 2008. Entry of this
Reply Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 1-27 are pending, have been rejected under 35 U.S.C. § 102(b), and are the subject of this appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The issues on appeal are summarized as follows:

1. Whether claims 1-27 are properly rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,918,012 to Astiz et al. ("Astiz").

ARGUMENT

At least for the reasons discussed below, Appellant submits that the rejections of the claims on appeal are improper, and reversal of each ground of rejection is requested. Appellant turns now to the rejections at issue.

Claims 1-27 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Astiz. Appellant submits that the claims are patentable.

Claim 1

For example, claim 1 recites an apparatus for providing object-in-content information, managed by an object-in-content information managing device. The apparatus includes a central control unit and an object information interface unit. The central control unit is operable to receive content and supply basic content information of the content, and the object information interface unit is operable to transmit a request message including the basic content information to the object-in-content information managing device, receive a response message including the object-in-content information corresponding to the basic content information from the object-in-content information managing device, and transmit the object-in-content information included in the response message to the central control unit. Additionally, the content received by the control unit is not received through the object-in-content information managing device.

In the Examiner's previous interpretations of the claims, the Examiner improperly relies on the mere possibility that the BTV MIME file and the BTV data file are downloaded from separate servers. Such possibilities are insufficient to support an anticipation rejection.

Moreover, Astiz discloses that the video data file is received from the HTTP server 33 shown in Figure 3 (See col. 6, lines 5-11). Figure 3 also shows that the (x, y, t) data is sent to this particular HTTP server 33. Thus, Astiz does not teach or suggest that the received content (video data file) is not received through the alleged object-in-content information managing device 33 to which a request message is sent including the alleged basic content information ((x, y, t) data), as recited in claim 1.

On page 12 of the Examiner's Answer, the Examiner affirms that Astiz's HTTP Server 33 is interpreted to correspond to the claimed object-in-content information managing device and Astiz's (x, y, t) data allegedly corresponds to the claimed basic content information. The Examiner continues to contend that Astiz's video file is received by an HTTP Server 33 which is different from the HTTP Server 33 which receives the (x, y, t) data. In particular, the Examiner asserts that it is an inherent capability of network architectures to store data on multiple HTTP servers to be downloaded at a single location. The Examiner further asserts that Astiz teaches several embodiments of the invention and notes that multiple HTTP servers can be used. In support of this assertion, the Examiner notes that "HTTP SERVERS" appears twice in the block diagram of Figure 1 of Astiz (pages 12-13 of the Examiner's Answer).

Initially, Appellant notes that the Examiner once again relies on an "inherent capability" of Astiz. As previously argued, such probabilities and possibilities are insufficient to support an anticipation rejection. Moreover, the Examiner's basis for this "inherent capability" is flawed. Specifically, Figure 1 is merely a schematic diagram of an internet network (col. 5, lines 32). The mere existence of multiple HTTP Servers in such a network does not support the Examiner's

assertion that the (x, y, t) data is received from an HTTP Server 33 different from the HTTP server which receives the video file.

The Examiner further cites col. 8, lines 6-19 and col. 12, lines 20-38 of Astiz to support the assertion that Astiz's video file is received by an HTTP Server 33 which is different from the HTTP Server 33 which receives the (x, y, t) data. Appellant submits that neither of the cited portions of Astiz teach or suggest the Examiner's assertion that Astiz's video file and (x, y, t) data are received by different HTTP Servers 33.

Col. 8, lines 6-19 discloses:

"Once a user makes a selection, the browser 32 then transmits the VHL (from the header), X and Y coordinates, and time coordinate to the HTTP Server 33 specified in the CGI URL (from the header). The HTTP Server 33 uses the URL statement to retrieve the script file 34 from a local file server. The video map script 34 then uses the VHL statement to locate and load the appropriate video map 35 identified by the viewer 31 when the user made the selection. The video map script 34 is preferably a C language program that takes the X, Y, and time coordinates from the HTTP Server 33 (originally from the viewer 31), retrieves the appropriate VHL video map 35 and looks up the coordinate data on the map 35 to retrieve a URL address associated with the selection made by the user on the viewer 31."

Col. 12, lines 20-38 discloses:

"The HTTP Server 33 then obtains the data from the internet (FIG. 1) for the URL and returns that data to the browser 32, which opens screen 43 (FIG. 6) to display the returned data. Again, the screen 43 can be either another browser screen or could be a viewer screen.

An advantage of the embodiment of FIG. 5 over FIG. 3 is the memory space requirements. Since the viewer must separate the video from the header in the .btv format, the .btv file must be copied to a separate file for display in the embodiment of FIG. 3. On the other hand, the plug-in embodiment of FIG. 5 has no such requirement.

FIG. 9 illustrates a utility for converting a standard video file into a .BTV file. As described previously, the .BTV file is simply a .AVI file (or similar video file) with an associated header. The information for the header is shown in FIG. 9 and includes three mandatory pieces of information: the "CGI URL" (the URL where the HTTP Server 33 can find the video map script 34), the "map location" (the file path where the script 34 can find the map 35), and the "AVI file" (the location of the original, unaltered video file in the .AVI MIME format)."

Each of the above portions of Astiz merely disclose that the (x, y, t) data is received by HTTP server 33, and that applying this (x, y, t) data as input to a map 35 will return a URL of selected content to be retrieved. Neither of these portions disclose, or even suggest that the URL of the selected content is located at a different HTTP Server 33 from the HTTP server which received the (x, y, t) data. The Examiner's assertion that Astiz's invention is configurable to be changed to a different HTTP server other than the HTTP server where the video (selected content) resides goes well beyond the scope of Astiz's disclosure. Even if Astiz's invention were configurable, as the Examiner contends, the URL of the selected content would not necessarily be located at a different HTTP Server 33 from the HTTP server which received the (x, y, t) data. As previously noted, "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). See MPEP §2112.IV (emphasis in original). Because the URL of Astiz's selected content would not necessarily be located at a different HTTP Server 33 from the HTTP server which received the (x, y, t) data, Appellant submits that the Examiner assertion that Astiz's invention is configurable as such does not support an anticipation rejection.

Moreover, in contrast to the Examiner's assertions, Astiz discloses that the video data file is received from the HTTP server 33 shown in Figure 3 (See col. 6, lines 5-11). Figure 3 also shows that the (x, y, t) data is sent to this particular HTTP server 33. Thus, Astiz does not teach or suggest that the received content (video data file) is not received through the alleged object-in-content information managing device 33 to which a request message is sent including the alleged basic content information ((x, y, t) data), as recited in claim 1.

In view of the foregoing, Appellant submits that claim 1 is not anticipated by Astiz. Appellant also submits that claim 4 is patentable at least by virtue of its dependency on claim 1.

Claim 2

Independent claim 2 recites that the object information transmitting unit is operable to transmit the response message to a central control unit, wherein the object transmitting unit does not transmit the content to the central control unit. In rejecting claim 2, the Examiner asserts a similar rationale as that set forth in the rejection of claim 1.

Appellant submits that the Examiner's viewpoint is inaccurate at least for reasons analogous to those discussed above regarding claim 1. Thus, Appellant submits that claim 2 is patentable. Appellant also submits that claims 3, 5, and 6, being dependent on claim 2, are patentable at least by virtue of their dependency.

Claims 7, 12, 15, 20, and 25

Independent claims 7, 12, 15, 20, and 25 recite features similar to those discussed above in conjunction with claim 1. Thus, Appellant submits that these claims are patentable at least for reasons analogous to those discussed above regarding claim 1. Appellant also submits that

claims 3, 5, 6, 8-10, 13, 14, 16, 18, 19, and 21-24, being dependent on one of claims 2, 7, 12, 15, 20, and 25, are patentable at least by virtue of their dependency.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

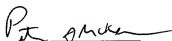
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